

REMARKS/ARGUMENTS

Claims 1-22 remain in the application for further prosecution. Claims 1, 10, 15 and 21 have been amended. The Office Action has objected to the Abstract, the specification and claim 1. Applicant has amended the abstract to be less than 150 words. Applicant has amended the specification to correct the informalities noted by the Examiner. Applicant has amended claim 1 to correct the informalities according to the Examiner's suggestions.

Rejection - 35 U.S.C. § 112

Claims 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being unclear and imprecise for failing to particularly point out and distinctly claim and subject matter which applicant regards as the invention with regards to the player receiving the jackpot not being able to participate in play for bonus awards. Applicant has amended claims 10 and 15 to include the element of "excluding the player" from eligibility. This additional step in these amended claims clarifies that initially all players enter the special bonus event, but the player who won the jackpot is subsequently excluded from the bonus event. Applicant respectfully submits that amended claims 10 and 15 traverse this rejection.

Rejection - 35 U.S.C. §§ 102, 103

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,887,154 (Luciano, Jr. et al.). Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano in view of U.S. Patent No. 5,743,798 (Adams et al.).

The present claims relate to a method of playing a gaming system played by a plurality of players where a jackpot is awarded. When a player is awarded a jackpot, the other players who are playing the game are entered into a special bonus event. Entry in the special bonus event merely gives the other players the opportunity to be awarded a bonus. For example, the bonuses

may be awarded randomly to some of the players, the bonus may be awarded to a player or players with the highest hand value(s), or the players may be given a spin to win the bonus. Thus, bonuses are awarded to some of the players currently playing the underlying wagering game according to a random distribution. The bonuses are awarded in addition to any awards the players may win during continued play of the underlying wagering game. Thus the present claims have a two step qualification for being awarded a bonus: 1) a player must be playing the underlying game at the time of the jackpot; and 2) a player must then be awarded the bonus by the random distribution.

In contrast Luciano is representative of known prior art which provide only a single step qualification to be awarded a bonus. The bonus in Luciano is a secondary progressive award which is awarded to all active players (players playing the game) when a first progressive award is awarded to a certain player. The active players are determined by an enrollment module 32 which ascertains whether a player has met the criteria for being active such as placing a wager during a certain time period. (Col. 5, l. 63-Col. 6, l. 5). Thus, once a player is determined to be active when the first progressive award occurs, the player receives the secondary progressive award automatically. Luciano does not have a special bonus event which gives active players a chance for a bonus award when the first progressive award occurs. Instead Luciano automatically awards a second bonus progressive jackpot prize 42 to each of the active players. (Col. 4, ll. 47-52; Col. 9, ll. 26-36). For example, "the WAC prize ... may be defined as a secondary prize in which case it is shared by all active players." (Col. 6, ll. 41-45).

The present claims do not automatically award the bonus to the active players, rather the players are given a chance to win the bonus which may or may not be awarded to a particular active player. In order to further distinguish Luciano, Applicant has amended claims 1 and 21 to

include the element of the special bonus event providing a chance to be awarded bonuses. As explained above, Luciano does not provide the chance to be awarded a bonus as the bonus (the secondary progressive) is automatically awarded to all players. Claims 2-20 depend from claim 1 and claim 22 depends from claim 21 and are similarly allowable.

Claims 9 and 11-14 are independently allowable over Luciano because Luciano discloses awarding the bonus in the form of the second progressive jackpot to all of the players playing the underlying game. The Office Action has cited Col. 2, ll. 47-54 for the proposition that Luciano teaches these elements. Applicant respectfully disagrees with this assertion. The cited section of Luciano indicates that "an active status player may be eligible to share in one or more secondary progressive prizes." However, the remainder of the section continues to describe the criteria for a player to be considered active, indicating the active players are awarded a share of the prize and inactive players are not eligible. This is confirmed further in the specification which states that "players who have an active status at the time of the progressive award triggering event are entitled to share in the secondary progressive prize." (Col. 3, ll. 7-11). Claims 9 and 11-14 all require that the bonus is awarded to less than all of the players and as such are not anticipated by Luciano.

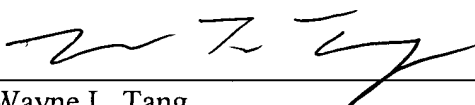
Conclusion

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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